



August 30, 2024

Hon. Kenneth M. Karas, U.S.D.J.
United States District Court
Southern District of New York
300 Quarropas Street, Chambers 533
White Plains, NY 10601-4150

By Electronic Filing.

Re: Shelby v. Petreucci, 23-cv-4315

Dear Judge Karas:

I am counsel for Plaintiff in the case above. I write to respectfully request a revision of the schedule set forth in the Court's order (ECF No. 64) in light of recent developments.

Since the Court's last order (ECF No. 64), as discussed in ECF No. 63, the parties have been discussing voluntary dismissal of Plaintiff's *Bivens* claims — as well as how to ensure efficient litigation, timely resolution, and ensure resolution here does not prejudice Plaintiff's potential FTCA claims. The parties have reached an agreement in principle — broadly speaking, Plaintiff will dismiss all *Bivens* claims with prejudice, with an express agreement that dismissal will have no effect on Plaintiff's ability to file a complaint asserting FTCA claims. However, the parties are still discussing the exact wording for a stipulation to that effect (and nothing in this letter is intended to bind either side to exact terms on any stipulation).

In light of this, we would ask that the Court mark the case closed and give the parties 30 days to either (1) file a stipulation or (2) move to reopen.

Separate counsel for Officers Hanna, Christensen, and Hurn do not believe closure of the case is warranted based on this correspondence but have no objection to a 14-day extension of the existing briefing schedule to allow for time to finalize a stipulation along the lines described in this letter.

As ever, I thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green
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cc:

All relevant parties by ECF.

COHEN & GREEN

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